

DATE 8-30-07

APPLICATION NUMBER 9/666899

DOC CODE RET. DEC. LOC. ~

DOC DATE 8/31/07

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OFFICE OF PETITIONS

Schwegman, Lundberg, Woessner & Kluth P.A.
P.O. Box 2938
Minneapolis, MN 55402

In re Application of
Mu et al.
Application No. 09/661,899
Filed: September 14, 2000
Patent No. 7,189,596
Attorney Docket 884.791US1

DECISION GRANTING PTA REQUEST

This decision is in response to Applicants' "APPLICATION FOR PATENT TERM ADJUSTMENT" timely¹ filed on May 14, 2007 requesting that the Patent Term Adjustment be changed from a determination of 527 days to a determination of 599 days.

Applicants' request is **GRANTED in part**. The Office will *sua sponte* issue a certificate of correction reflecting the proper amount of PTA as **597** days. In addition, the Office will correct the PTA determination as noted in PAIR to reflect this decision.

Applicants are given **thirty (30) days** to reply if they disagree with the determination of 597 days.

Applicants assert that the Office erred in not granting applicant any PTA for the failure to issue the application within four months of the payment of the issue fee and other requirements being satisfied under 37 CFR 1.702(a)(4). Applicants assert that the Office missed the requirement by a period of 727 days. Applicants acknowledge 5 days of reduction under 37 CFR 1.704(b) for the submission of the issue fee on August 28, 2006.

Applicants arguments are persuasive. Specifically, the Office issued the application 75 days beyond the 4-month requirement under 37 CFR 1.702(a)(4).² Accordingly, the correct amount of PTA at the time of the issuance of the patent is 597 days. Applicants received 527 days for the violation of 37 CFR 1.702(a)(1). Applicants are being awarded 75 additional days for the late issuance of the patent under 37 CFR 1.702(a)(4). Applicants reduced the PTA by an amount of 5 days under 37 CFR 1.704(b) for the submission of the issue fee payment on August 28, 2005.

¹ The certificate of mailing was Monday May 14, 2007.

² The issue fee was received in the USPTO on August 28, 2006. Accordingly, the USPTO had four months to issue the patent (until December 28, 2006) without granting additional patent term adjustment. However, the Office did not issue the patent until March 13, 2007, 75 days later.

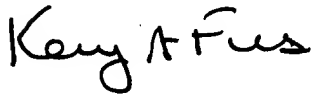
Application No. 09/661,899

Accordingly the proper amount of PTA is 597 days ($527+75-5=597$).

After the mailing of this Office action, the Office will forward such application to the certificate of correction branch for a prompt issuance of the certificate of correction.

The Office has assessed the \$200.00 fee. No other fees are required in determining this decision.

Any questions concerning this determination should be directed to Kery Fries, Senior Legal Advisor, at 571-272-7757.

A handwritten signature in black ink that reads "Kery Fries". The signature is written in a cursive, slightly slanted style.

Kery Fries
Senior Legal Advisor
Office of Patent Legal Adm.
Office of Deputy Commissioner
for Patent Examination Policy

cc: Adjusted PAIR calculation
DRAFT certificate of correction

Day : Thursday
Date : 8/30/2007

Time : 12:23:46

 PALM INTRANET

PTA Calculations for Application: 09/661899

Application Filing Date:	09/14/2000	PTO Delay (PTO):	527
Issue Date of Patent:	03/13/2007	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	597
PTO Delay Adjustment:	70		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
93	08/30/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	140		
92	08/30/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		70	
83	03/13/2007	PATENT ISSUE DATE USED IN PTA CALCULATION			
82	02/13/2007	RECEIPT INTO PUBS			
81	01/19/2007	WORKFLOW - FILE SENT TO CONTRACTOR			
80	05/26/2006	CORRESPONDENCE ADDRESS CHANGE			
79	05/23/2006	MAIL CORRECTED NOTICE OF ALLOWANCE			
78	05/23/2006	MAIL FORMAL DRAWINGS REQUIRED			
77	05/22/2006	FORMAL DRAWINGS REQUIRED			
76	05/22/2006	CORRECTED NOTICE OF ALLOWANCE			
75	05/22/2006	CORRESPONDENCE ADDRESS CHANGE			
74	05/23/2006	CHANGE IN POWER OF ATTORNEY (MAY INCLUDE ASSOCIATE POA)			
73	02/23/2006	MAIL CORRECTED NOTICE OF ALLOWANCE			
72	02/23/2006	CORRECTED NOTICE OF ALLOWANCE			
71	02/23/2006	MAILING CORRECTED NOTICE OF ALLOWABILITY			
70	02/23/2006	CORRECTED NOTICE OF ALLOWABILITY			
69	04/11/2005	WORKFLOW - DRAWINGS FINISHED			
68	07/01/2005	EXPORT TO INITIAL DATA CAPTURE			
67	04/11/2005	ISSUE FEE PAYMENT RECEIVED			
66	01/26/2005	RECEIPT INTO PUBS			
65	01/07/2005	MAIL CORRECTED NOTICE OF ALLOWANCE			
64	01/07/2005	MAIL FORMAL DRAWINGS REQUIRED			
63	01/07/2005	FORMAL DRAWINGS REQUIRED			
62	01/07/2005	CORRECTED NOTICE OF ALLOWANCE			

61	01/07/2005	MAILING CORRECTED NOTICE OF ALLOWABILITY			
60	01/07/2005	CORRECTED NOTICE OF ALLOWABILITY			
57	12/28/2004	RECEIPT INTO PUBS			
56	12/28/2004	WORKFLOW - QUERY REQUEST - BEGIN			
55	12/10/2004	RECEIPT INTO PUBS			
54	07/30/2004	RECEIPT INTO PUBS			
53	07/30/2004	WORKFLOW - QUERY REQUEST - FINISH			
52	07/20/2004	RECEIPT INTO PUBS			
51	07/20/2004	WORKFLOW - QUERY REQUEST - BEGIN			
50	06/22/2004	RECEIPT INTO PUBS			
49	06/18/2004	RECEIPT INTO PUBS			
48	04/06/2004	ISSUE REVISION COMPLETED			
47	04/05/2004	MAIL NOTICE OF ALLOWANCE			
46	04/05/2004	MAIL FORMAL DRAWINGS REQUIRED	527		38
45	04/05/2004	FORMAL DRAWINGS REQUIRED			
44	04/05/2004	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
43	04/05/2004	NOTICE OF ALLOWABILITY			
42	10/07/2002	NEW OR ADDITIONAL DRAWING FILED			
41	03/19/2004	DATE FORWARDED TO EXAMINER			
40	06/26/2002	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
39	03/19/2004	DATE FORWARDED TO EXAMINER			
38	06/26/2002	REQUEST FOR CONTINUED EXAMINATION (RCE)			
37	03/19/2004	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
36	03/19/2004	CASE DOCKETED TO EXAMINER IN GAU			
35	03/17/2004	CORRESPONDENCE ADDRESS CHANGE			
34	03/04/2004	RECEIPT INTO PUBS			
33	03/03/2004	FILE MARKED FOUND			
32	03/18/2003	FILE MARKED LOST			
31	02/20/2002	WORKFLOW - REQUEST FOR RCE - FINISH			
30	06/19/2002	RECEIPT INTO PUBS			
29	06/19/2002	WORKFLOW - QUERY REQUEST - FINISH			
28	06/07/2002	WORKFLOW - CUSTOMER SERVICE REQUEST - FINISH			
27	06/07/2002	WORKFLOW - CUSTOMER SERVICE REQUEST -			

		BEGIN			
26	04/30/2002	RECEIPT INTO PUBS			
25	04/23/2002	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
24	04/19/2002	RESPONSE TO AMENDMENT UNDER RULE 312			
23	02/20/2002	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)			
22	02/20/2002	WORKFLOW - 312 AMENDMENT - FINISH			
21	02/20/2002	WORKFLOW - 312 AMENDMENT - BEGIN			
20	02/20/2002	WORKFLOW - REQUEST FOR RCE - BEGIN			
19	12/10/2001	RECEIPT INTO PUBS			
18	11/08/2001	RECEIPT INTO PUBS			
17	11/08/2001	RECEIPT INTO PUBS			
16	11/06/2001	MAIL NOTICE OF ALLOWANCE			
15	11/06/2001	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
14	11/05/2001	NOTICE OF ALLOWABILITY			
13	09/07/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	11
12	09/14/2001	DATE FORWARDED TO EXAMINER			
11	09/07/2001	RESPONSE TO ELECTION / RESTRICTION FILED			
10	08/03/2001	MAIL RESTRICTION REQUIREMENT			
9	08/03/2001	REQUIREMENT FOR RESTRICTION / ELECTION			
8	02/07/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	01/25/2001	CASE DOCKETED TO EXAMINER IN GAU			
6	12/01/2000	APPLICATION DISPATCHED FROM OIPE			
5	12/01/2000	APPLICATION IS NOW COMPLETE			
4	11/07/2000	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	11/06/2000	CORRESPONDENCE ADDRESS CHANGE			
2	10/03/2000	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/14/2000	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back use Back button on your browser toolbar.

Back to [PALM](#) | [ASSIGNMENT](#) | [OASIS](#) | Home page

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,189,596 B1
DATED : Mar. 13, 2007
INVENTOR(S) : Mu et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (527) days

Delete the phrase "by 527 days" and insert – by 597 days--